IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE GODA RAGHURAM
WRIT PETITION NO : 348 of 2004

Between:
Badampudi Malleswara Rao, S/o. Suryanarayana Murthy, aged 48 years,
Mukya Archaka, Sri Kota Sattemma Ammavari Temple, Thimmarajupalem, Nidadavolu Mandal, W.G. District.

..... PETITIONER

AND

Sri Kota Sattemma Ammavari Temple, Thimmarajupalem, Nidadavolu Mandal, W.G. District. rep by its Executive Officer

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the impugned order in Letter no. 105/2003, dt.8-11-2003 passed by the respondent as illegal, Arbitrary and without jurisdiction and contrary to the provisions of the A.P.Charitable & Hindu Religious institutions & Endowments Act, 1987, consequently direct the respondent to continue the petitioner in the post of Mukya Archaka in the Sri Kota Sattemma Ammavari Temple, Thimmarajupalem, Nidadavolu Mandal, West Godavari District.

For the Petitioner:MR.T.V.S.PRABHAKARA RAO,Advocate

For the Respondent: Ms. N. Indrani, Standing Counsel for Endowments.

The Court Made the Following :

ORAL ORDER:

The petitioner assails the proceedings dated 08-11-2003 of the respondent whereby he has been placed under suspension from the date of the order, consequent on the resolution of the founding trustee to this effect. Earlier charges were framed against the petitioner, *inter alia*, alleging that he is consuming liquor during the temple hours and indulging in other forms of misbehaviour specified in the charge memo. The petitioner submitted his reply on 02-06-2003. The petitioner states that he was allowed to rejoin service on humanitarian measure by releasing him from suspension. Again, he is alleged to have consumed liquor thereafter and on 06-10-2003 he is alleged to have put the water tube into Hundi, while cleaning the temple. He is also alleged to have violated the instructions of the founded trustee and failed to perform 'puja'. He is also alleged to have been insubordinate. For these reasons recorded, he has been placed under suspension. No case of incompetency of the respondents in placing the petitioner under suspension, pending inquiry, has been made out. The reason recorded for which he has been placed under suspension was grave enough to warrant the order of suspension.

For the aforesaid reasons, I find no warrant for interference. The petition is without merits and is accordingly dismissed. The petitioner may, if so, advised pursue his appellate remedies. As it is stated by Sri T.V.S.Prabhaker Rao, learned standing Counsel for the petitioner that the appeal lies to the trustee under the provisions of Section 37 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 within a period of 60 days from the date of the order and the time since expired, the petitioner is granted liberty to prefer an appeal within two weeks from today, in view of the fact that this writ petition has been instituted. No costs.

ASSISTANT REGISTRAR

// TRUE COPY//

SECTION OFFICER

To
1.The Executive Officer, Sri Kota Sattemma Ammavari Temple,
Thimmarajupalem, Nidadavolu Mandal, W.G. District.

2.2CD copies

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